



Leave Administration: The Mystery Unraveled

Participant Guide



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Welcome

Welcome to this TEL (Technology Enhanced Learning) training event. We are excited that you will be joining us today for *Leave Administration: The Mystery Unraveled*, and we look forward to helping you to get as much out of this time as possible.

Your classroom today is not very large, 125 or fewer students from as many as 40 different locations across the NPS. We purposely keep the class size small to assure that if you have a question, there is time to get it answered. Don't hesitate to ask—if you have a question, there are probably several others in the class who have the same question—you might as well be the one to ask! It is our goal that you leave class today with no unanswered questions.

How To Interact with the Instructor

We encourage you to ask questions and share your comments with the instructors throughout this TELNPS course.

If you were physically in the classroom with the instructor, you would raise your hand to let her/him know you had a question or comment. Then you would wait for the instructor to recognize you and ask for your question. We are all familiar with that "protocol" for asking questions or making comments.

With TELNPS courses there is also a "protocol" to follow to ensure that you can easily ask questions and others can participate as well. It may seem a little strange at first asking a question of a TV monitor. Remember, it is the instructor you are interacting with and not the monitor. As you ask more questions and participate in more TELNPS courses, you will soon be focusing only on the content of your question and not the equipment you are using to ask it.

As part of the TEL station equipment at your location, there are several push-to-talk microphones. Depending on the number of students at your location, you may have one directly in front of you or you may be sharing one with other students at your table.

When you have a question, press and hold down the push-to-talk button, maintaining a distance of 12-18 inches, and say,

"Excuse me [instructor's first name], this is [your first name]

at [your location]. I have a question (or I have a comment)."

Then release the push-to-talk button. This is important.

Until you release the button, you will not be able to hear the instructor.

The instructor will acknowledge you and then ask for your question or comment. Stating your name and location not only helps the instructor, but also helps other students who are participating at different locations to get to know their classmates.



Course Overview

Why a *Leave Administration: The Mystery Unraveled* program?

Changes over the last 5 years to leave entitlements, particularly in the area of family-related leave, have made balancing employee leave entitlements and organizational needs somewhat of a mystery. This training helps supervisors to unravel the mystery of how to manage the leave use of their employees in accordance with the law and with agency regulations and policies, and in such a way as to be able to accomplish the goals of the organization.

Target Audience

Anyone who administers leave and oversees use of employees' leave, including supervisors at all levels and administrative staff who interpret the leave rules.

Program Timing

Leave Administration: The Mystery Unraveled is a 2-hour TELNPS course.

Learning Objectives

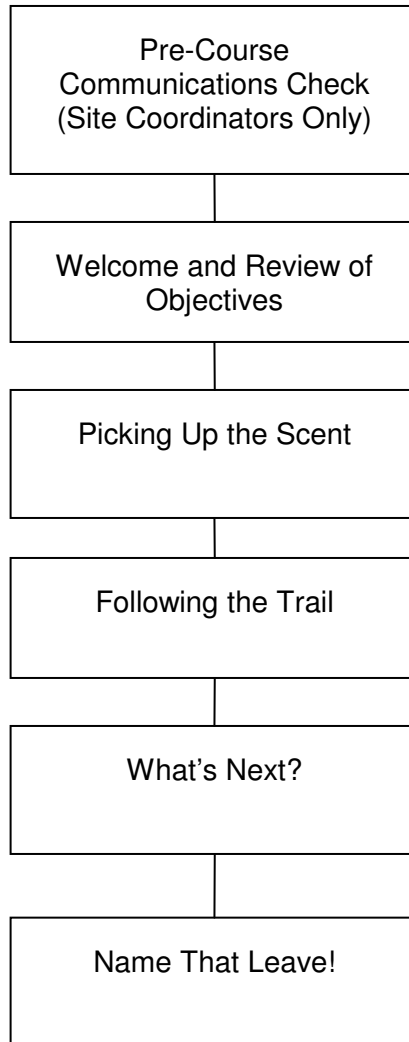
After completing this program, you will be able to:

- Describe employee entitlements under the major leave programs available
- Explain the rules relating to each type of leave
- Explain the purpose and elements of a local leave policy

Site Point-of-Contact Responsibilities

The TEL Station Site Point-of-Contact must reserve the training room, notify employees that the park will be participating in this TEL training event, make sure the Participant Guide is available to students, set up the TEL Station on the day of the training, make sure students sign in on the Student Roster form, and finalize the roster in My Learning Manager.

Leave Administration: The Mystery Unraveled Course Map





Picking Up the Scent

What questions do you have about leave?

List 3 questions here:



Here are some more. Do you know the answers to these questions?

- How do I decide who gets to take annual leave when more than one employee wants off at the same time and I just can't let them both go?
- Are employees automatically entitled to leave without pay when their accumulated leave runs out?
- If my employee doesn't show up for work or call in today, do I put them on leave without pay?
- Can I require my employee to bring me a doctor's excuse to support her use of sick leave?
- Can I cancel my employee's previously scheduled and approved annual leave?
- Can my employee use sick leave to take her daughter to a doctor's appointment?

Picking Up the Scent cont'd.

Where To Go for Help

You have 3 main sources of information to help you answer your questions about leave administration:

1. **Regulations** at 5 CFR Parts 630 and 890
2. **OPM's website** (www.opm.gov/oca/leave)
3. **Your HR Specialist**

Be sure to consult these sources to get you headed in the right direction!

Following the Trail

Annual Leave

Annual leave is used for:

--Vacations --Personal business --Rest and relaxation --Emergencies

Full-time employees accrue annual leave at the following rates:

- Less than 3 years of service = 4 hrs/PP (incl. military service)
- 3-15 years of service = 6 hrs/PP (10 hrs. in last PP)
- 15+ years of service = 8 hrs/PP (you've earned it!)

Part-time service is prorated. Temporary/seasonal employees whose appointments are expected to last >90 days accrue annual leave. Intermittent employees do NOT accrue annual leave. Maximum carryover each leave year = 240 hours

Restoring "use or lose" annual leave that is lost:

- Must have been scheduled and approved in advance (documented)
- Can be restored if the loss of the leave was due to one of the following:
 - Administrative error
 - Exigency of the public business
 - Employee sickness

Advance annual leave is a right of employees, and is limited to the amount of leave the employee will accrue through the remainder of the leave year. The supervisor has a right to schedule when the employee can take the leave.

The Case of Use or Lose Louise

Louise is a full-time employee with 17 years of Federal service. She entered this leave year with a carryover of 225 hours of annual leave. How many hours will she need to use during this leave year in order to not lose her excess leave?

Louise scheduled her hours of "use or lose" throughout the leave year. She scheduled 40 hours of that time during the Christmas holiday and received written approval from her supervisor in October. One week prior to her Christmas leave, Louise has appendicitis and is off work for 3 weeks. If she requests to change her annual leave to sick leave, will she lose the 40 hours? Why or why not?

Sick Leave

Sick leave is used for:

- Personal illness, injury, pregnancy, childbirth
- Medical/dental/optical exam or treatment
- Family care and bereavement
- Exposure of you or family member to communicable disease
- Adoption-related purposes

Full-time employees accrue 4 hours per pay period.

Part-time employees accrue 1 hour for each 20 hours worked.

All temporary/seasonal employees accrue sick leave.

Intermittent employees do NOT accrue sick leave.

Employees should follow NPS/local procedures for notification or request.

For extended leave, employees should provide 30 days' advance notice, if possible.

Supervisors may require medical certification for absences of more than 3 workdays.

Supervisors may establish a time limit for providing medical certification and may request additional information.

Advance sick leave may be granted within the following limits:

- 240 hours maximum for own needs
- 40 hours maximum for family care
- 240 hours maximum for adoption-related purposes

The Dental Dilemma

Bruce requested leave today (Monday) for a dental appointment tomorrow (Tuesday). He works in the accounting department, and the quarterly status of funds is due on Wednesday. Must the sick leave be granted?

Sick Leave for Family Care and Bereavement

Employees may use up to 13 days (104 hours) of sick leave to care for a family member incapacitated as a result of physical or mental illness; to attend to a family member for medical/dental/optical exam; or to arrange for or attend a funeral of a family member.

Employees may use up to a maximum of 12 weeks to care for a family member with a “serious medical condition.” Employees must maintain a balance of 80 hours to use more than 40 hours for family care.

If an employee uses any or all of the 13-day entitlement, that amount is subtracted from the 12-week entitlement. The maximum entitlement of using sick leave for family care and bereavement each leave year is 12 weeks (480 hours).

For the purposes of using sick leave for family care and bereavement, a family member is defined as:

- Spouse and his/her parents
- Children (including adopted) and their spouses
- Parents
- Brothers/sisters and their spouses
- Any individual related by blood or affinity whose close association is equivalent of a family relationship

Betty's Bypass

Bob's mother, Betty, had bypass surgery and is recuperating at home. Bob's wife, Beatrice, has gone to Betty's house to care for her. Bob has requested sick leave to stay home with his children (Ben, Bruce, and Brenda) because Beatrice is at Betty's. Bob says that sick leave is appropriate because Beatrice cannot care for Betty unless he is with the children. Can you grant sick leave to Bob to care for Ben, Bruce, and Brenda so Beatrice can go to Betty's?

Family and Medical Leave Act of 1993 (FMLA)

FMLA provides a total of 12 work weeks of leave without pay during any 12-month period to care for family members with a serious health condition.

All employees who have completed at least 12 months of service are entitled to the provisions of the FMLA.

Employees' job and benefits are protected during this leave.

Leave under the FMLA applies to:

- Birth of child and care of newborn
- Placement of child with employee (adoption or foster care)
- Care of spouse, child, or parent with serious health condition
- Employee's own serious health condition

Under the FMLA, a family member is defined as:

- Spouse by legal marriage or common law
- Biological parent or "loco parentis"
- Biological, adopted, foster, or stepchild
- Legal ward who is under 18 or over 18 and incapable of self-care

Under the FMLA, a serious health condition is any illness, injury, physical, or mental condition that involves:

- Inpatient care
- Incapacity of 3+ calendar days
- Continuing treatment by health care provider for chronic condition

The 12-month period begins on the date an employee first takes FMLA leave. Holidays are NOT counted against the 12-week entitlement.

Employees must invoke FMLA. When the need is foreseeable, the employee must provide 30 days' notice.

Family and Medical Leave Act of 1993 (FMLA) cont'd.

Employees may use 12 weeks of sick leave for a family member with a serious health condition AND then invoke their entitlement to LWOP under the FMLA for an additional 12 weeks to care for a spouse, son/ daughter, or parent with a serious health condition.

In the case of leave for childbirth, the birth mother may:

- Use sick leave for "incapacitation" from pregnancy or childbirth
- Use annual leave for newborn bonding and other responsibilities
- Use up to 12 weeks of LWOP under the FMLA for childbirth and care of newborn (in addition to or in combination with annual leave or sick leave)

In the case of leave for childbirth, the birth father may:

- Use up to 12 weeks of sick leave to care for biological mother during pregnancy, childbirth, and recovery
- Use up to 13 days of sick leave to care for newborn when ill or to accompany to medical exams
- Use annual leave for bonding
- Use up to 12 weeks of LWOP under the FMLA for childbirth and care of newborn (in addition to or in combination with annual leave or sick leave)

Employees are entitled to be restored to the same position or an equivalent position with same benefits, pay, status, and other terms and conditions of employment.

The Mystery of the Maternal Matriarch

Doris is a Federal employee whose 22-year-old daughter is pregnant. The daughter's husband has been called to active duty for Operation Allied Force. Doris has requested 6 weeks of unpaid leave under the FMLA to care for her daughter when the daughter gives birth. Is she entitled to this leave?

Doris says she is entitled to FMLA for "childbirth and care of the newborn"--is she?

Voluntary Leave Transfer Program

The Voluntary Leave Transfer Program allows Federal employees to donate annual leave directly to other employees who have a personal or family medical emergency, and have exhausted all of their own leave.

To qualify as a recipient under this program:

- You, or a family member, must be affected by a medical emergency
- Your absence from duty for the medical emergency without available paid leave must be at least 24 hours
- You must use OPM Form 630 to apply

A “medical emergency” is a medical condition of the employee or a family member likely to result in prolonged absence from duty and substantial loss of income. The broad definition provides flexibility.

For the purposes of the Voluntary Leave Transfer Program, “family member” is defined the same as sick leave for family care:

- Spouse and his/her parents
- Children (including adopted) and their spouses
- Parents
- Brother/sisters and their spouses
- Any individual related by blood or affinity whose close association is equivalent of a family relationship

The Case of Great Expectations

Emily has worked for the NPS for 3 years and is expecting twins. She had another baby 15 months ago and as a result has only 60 hours of sick leave accrued. Her doctor has informed her that she will need to be off for at least 6 weeks following the birth of the twins. Does Emily’s normal maternity care qualify as a “medical emergency” under the leave share regulations?

Ed, Emily’s co-worker, has volunteered to donate 80 hours of sick leave to her. Is this appropriate?

Leave Without Pay (LWOP)

Temporary absence from duty and pay requested by the employee. LWOP should be granted only when there is a mutual benefit to the employee and the NPS. LWOP may affect certain Federal benefits.

LWOP must be granted for the following:

- FMLA – 12 weeks for family and medical benefits
- USERRA -- period of military service
- Medical exams for disabled vets
- OWCP – when receiving compensation

The Case of Anna and the Alaskan Adventure

Anna is a 10-year employee with an annual leave balance of 220 hours as of May 31. On June 5, she submits a request for 2 weeks of LWOP to go on an Alaskan cruise in August. Currently, she has no other leave requests submitted for this year. Should the supervisor approve the LWOP request? Why or why not?

Absence Without Leave (AWOL)

Absence from duty without authorization or approved leave.

Employee receives no pay for time coded AWOL.

Not a disciplinary action in itself, but may be basis for future action.

Employee should be notified in writing when placed on AWOL.

Administrative Leave

Administrative leave may be appropriate when the employee's absence:

- Is directly related to the department or agency mission;
- Is officially sponsored or sanctioned by the agency head; or
- Will clearly enhance the professional development of the employee in his/her current position.

Administrative leave:

- Should be brief and determined to be in the interest of the agency
- Normally must be approved by the Superintendent
- Is not to be used as a substitute for other types of leave

Administrative leave may be used for:

- Registration and/or voting
- Blood donation
- Taking the Civil Service Exam
- Day of an on-the-job injury
- Union representative attending training sponsored by labor organization

Doug's Dilemma

Doug is a Human Resources specialist. In the evenings and on weekends, Doug volunteers as an EMT for Dade County. He will need time away from work to complete final requirements for his EMT certification. Should the supervisor grant administrative leave? What other options might be appropriate?

Other Leave Types

Court Leave

Court leave may be an authorized excused absence for:

- Jury duty
- Summoned as witness for City, County, State, or Federal government

No loss of pay, no limit.

Military Leave

15 days of paid leave each FY for inactive or active duty training or service. 22 days each year when called to “enforce the law or for the purpose of providing assistance to civil authorities in the protection or saving of life or property or the prevention of injury” (including natural disasters, terrorist acts, etc.)

Funeral Leave

Limited to employee whose immediate relative dies as a result of wounds, disease, or injury incurred as a member of the Armed Forces in a combat zone. Not to exceed 3 days. No loss of pay, no use of other leave.

- NOTE: NOT TO BE CONFUSED WITH SL FOR FUNERAL PURPOSES UNDER FAMILY-FRIENDLY LEAVE ACT

Related Situations

Fellow LE Officers and Firefighters killed in the line of duty

- Excused to attend funeral
- Considered official duty
- No designation of absence on timecard

Veterans or member of ceremonial group

- Excused absence up to 4 hours
- To participate as active pallbearer, firing squad, or honor guard

Local Leave Policy

A local leave policy should clearly communicate your expectations for your work unit.

If employees belong to a union, the local leave policy may be subject to negotiations with the union.

A local leave policy should include:

- Arrival and departure times
- Lunch periods
- Leave request and approval procedures
- Additional appropriate information

See the next page for a sample local leave policy.

Sample Local Leave Policy

(NOTE: This is an example of a local leave policy. Not all workplace situations lend themselves to these particular guidelines.)

The following leave policy for *(your Division, Branch, office)* is established in addition to applicable law and regulation, and established NPS, regional, and/or park leave policies.

1. All planned annual leave should be requested in advance. Annual leave involving advance planning, such as vacations, family events, etc., should be submitted for approval as early as possible so that neither the employee nor the staff in the workplace will be inconvenienced.
2. Emergency annual leave should be requested as soon as the employee knows he or she will have to take it and is able to notify the workplace.
3. All planned sick leave should be requested in advance. This includes doctor and dentist appointments.
4. Emergency sick leave should be requested as soon as the employee knows he or she will have to take it and is able to notify the workplace.
5. To request emergency annual and/or sick leave, the employee should call his or her immediate supervisor within the first half-hour of the workday on which the leave will be incurred. If the immediate supervisor is not available, the employee should speak to the acting supervisor or someone who can get a message to the supervisor. Ideally, a message should also be left on the supervisor's voice mail if the supervisor has voice mail.
6. After the first day of emergency annual and/or sick leave, it is up to the employee to call in on a daily basis with an update of his/her additional leave requirements.

Exercise: Name That Leave!

NOTE: Annual leave can ONLY be used as an answer when it is the ONLY option.

1. Though not disciplinary in and of itself, too many hours in this status may be the basis for future disciplinary action. _____
2. A husband is entitled to use this leave to spend up to 12 weeks with his healthy newborn child. _____
3. This leave must be scheduled and approved prior to November 29, 2003.

4. An employee may use up to 4 hours of this leave to donate blood. _____
5. Under the leave share program, this leave can be donated to other employees to increase their sick leave balance. _____
6. Used to attend the funeral of a family member who died of a terminal illness.

7. An employee is placed on this type of leave while receiving compensation from OWCP.

8. An employee who habitually fails to report to work at the proper time should be placed in this status. _____
9. When an employee leaves work on the day of an "on-the-job" injury to receive medical treatment for the injury, they should be placed in this status. _____
10. For the purposes of this type of leave, even your son-in-law would qualify as a family member. _____
11. Marlene arrives 30 minutes late. This is the third time in the last 2 weeks she has been late. You have spoken to her about the problem previously and want to impress upon her that she needs to get to work on time. What can you do?

12. Jack's mother passed away over the weekend after a long illness; he is the oldest son and needs time off to make funeral arrangements and take care of business. What type of leave may Jack take and is there a maximum number of days allowed?

To Receive Credit for this Course

1. PRINT your name on the attendance roster.
2. UPON RECEIPT OF E-MAIL NOTIFICATION, complete the online course evaluation.

Thank you for participating today! We hope you'll join us for other TELNPS courses.

Appendix A: Tips for Solving the Greatest Mystery of All: Dealing With Leave Abuse

Chronic Tardiness/Leaving Early

(most common leave problem)

- Irritates other employees
- Encourages others to do the same
- Reduces productivity in work unit
- Creates problems for you in attempting to correct/deal with other problems

How Do You Stop It?

- Establish clear policy and communicate to everyone
- Monitor
- Usually best to discuss individually even if more than 1 employee

Employee Counseling

- Review Leave Policy
- Relate personal observation
- Let them explain
 - Excuses, excuses, excuses
 - Discuss availability of Employee Assistance Program

Employee Counseling

- Regardless of reason – employee's responsibility
- Consequences
- Document

If It Persists

Deliver consequence the very first time, regardless of excuse.

- Informal
 - Letter of Warning
- Formal
 - Letter of Reprimand

Other Problems

- Calling in to request AL – not calling in
- Calling in to someone other than supervisor
- Someone else calling in for the employee
- Routine sick leave abuse

**IN ALL CASES: ESTABLISH A WRITTEN
LEAVE POLICY FOR YOUR WORK UNIT!
DISCUSS!**

Appendix B: Where to Find Some Common Leave Admin Forms

Office of Personnel Management Web site:

<http://www.opm.gov/forms/html/opm.asp>

Department of Labor Forms (e.g., WH 380 “Certification of Health Provider” for FMLA)

<http://www.dol.gov/library/forms/FormsByNum.asp>